IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Notice of Motion No. 2926 of 2005
in
Suit No. 2639 of 2005

Sevaram Ratiram Agarwal ..Plaintiff

vs.

1. Jainarayan Ratilal Agarwal and anr. ..Defendants

Mr.S.P.Kanugar i/b Mr.Mukesh V.Aiya for plaintiff.

Ms.Leena Thadani for defendant.

CORAM: S.U.KAMDAR J.
5th OCTOBER, 2005

P.C.

. Admittedly as mentioned in the plaint the plaintiff has executed large number of documents in favour of the defendants and defendant nos. 1 and 2 are in possession and are running the business of Queens Wine situated at Chembur. It is the case of the plaintiff that although these documents were executed without knowing the implication thereof under the socalled tension. This ground cannot be accepted at the ad-interim stage. However, with a view to protect the rights of the plaintiff in the suit premises, learned counsel for defendant nos. 1 and 2 gives an undertaking to this Court that till hearing and final disposal of the motion defendant nos. 1 and 2 will not alienate or

encumber or create any third party rights in respect of the shop premises known as "Queens Wine" nor surrender any licences which are in their possession and/or seek transfer of licence in their favour under which licence the business is being carried on. I am not inclined to overlook all the documents executed by the defendants. It is not possible to give a total goby to such documents executed by the plaintiff on a mere theory that they were executed in socalled threats. The Collector is also directed not to act upon any application for transfer or for adding the names of defendant nos. 1 and 2 in the said licence.

. Notice of Motion stands disposed of in the above terms.